

UNITED STATES DISTRICT COURT

for the
Southern District of Illinois

Nathaniel Harper

Case Number:

12-1188-GPM

(Clerk's Office will provide)

Plaintiff/Petitioner(s)

v.

Dr Venerio Santos, Dr Louis Shicicer
Terri Dean, Dr Ravindra George
Lisa Krebs, Defendants Etal
also Janet Roberts Etal

Defendant/Respondent(s)

☒ CIVIL RIGHTS COMPLAINT
pursuant to 42 U.S.C. §1983 (State Prisoner)

☐ CIVIL RIGHTS COMPLAINT
pursuant to 28 U.S.C. §1331 (Federal Prisoner)

☐ CIVIL COMPLAINT
pursuant to the Federal Tort Claims Act
28 U.S.C. §§1346, 2671-2680, or other law

FILED
NOV 19 2012
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS
EAST ST. LOUIS OFFICE

I. JURISDICTION

Plaintiff:

- A. Plaintiff's mailing address, register number, and present place of confinement.

Nathaniel Harper
P.O. Box 7711, A8099
Centralia Correctional Center
Centralia, IL 62801

Defendant #1:

- B. Defendant Venerio m. Santos, License, CO26071107 is employed as
(a) (Name of First Defendant)

Medical Director

(b) (Position/Title)

with Wexford Health services 9330 Shattuc Road

(c) (Employer's Name and Address)

Centralia, IL 62801

At the time the claim(s) alleged this complaint arose, was Defendant #1
employed by the state, local, or federal government? ☒ Yes ☐ No

If your answer is YES, briefly explain:

Yes, This Defendant was and still is employed or contracted
by The Illinois Department of Correction at Centralia
Correctional Center

Defendant #2:

C. Defendant Dr Ravindra George is employed as

(Name of Second Defendant)

Surgeon
(Position/Title)

with ST Mary Good Samaritan Hospital
(Employer's Name and Address)

Centralia ILL 62801

At the time the claim(s) alleged in this complaint arose, was Defendant #2 employed by the state, local, or federal government? ☒ Yes ☐ No

If you answer is YES, briefly explain:

Yes This defendant was and still is employed by the Illinois Department of Corrections at Centralia Correctional Center.

Additional Defendant(s) (if any):

D. Using the outline set forth above, identify any additional Defendant(s).

Lisa Krebs, Health Care unit Administrator, Centralia Correctional Facility, 9330 Shattuc Road, Centralia ILL 62801. Yes, This defendant was and still is employed by the Illinois Department of Corrections at Centralia Correctional Center.

E. Terri Dean RN, staff nurse, 9 years clinical. Centralia Correctional Facility, 9330 Shattuc Road, Centralia ILL 62801. Yes this defendant was and still is employed by the Illinois Department of Correction at Centralia Correctional Center.

F. Dr Louis Shicker Medical Director, Chief of Health Services. Health Professionals, LTD, 9000 N. Lindbergh Dr. Peoria, ILL 61615.

G. Janet Roberts RN Director of Nursing 27 years clinical experience. Centralia Correctional Facility, 9330 Shattuc Road Centralia ILL 62801. Yes, This defendant was and still is employed by the Illinois Department of Corrections at Centralia Correctional Center.

II. PREVIOUS LAWSUITS

- A. Have you begun any other lawsuits in state or federal court relating to your imprisonment? ☐ Yes ☒ No
- B. If your answer to "A" is YES, describe each lawsuit in the space below. If there is more than one lawsuit, you must describe the additional lawsuits on another sheet of paper using the same outline. Failure to comply with this provision may result in summary denial of your complaint.
1. Parties to previous lawsuits:
Plaintiff(s): *N/A*

Defendant(s): *N/A*
 2. Court (if federal court, name of the district; if state court, name of the county): *N/A*
 3. Docket number: *N/A*
 4. Name of Judge to whom case was assigned: *N/A*
 5. Type of case (for example: Was it a habeas corpus or civil rights action?): *N/A*
 6. Disposition of case (for example: Was the case dismissed? Was it appealed? Is it still pending?): *N/A*
 7. Approximate date of filing lawsuit: *N/A*
 8. Approximate date of disposition: *N/A*

III. GRIEVANCE PROCEDURE

- A. Is there a prisoner grievance procedure in the institution? ☒ Yes ☐ No
- B. Did you present the facts relating to your complaint in the prisoner grievance procedure? ☒ Yes ☐ No
- C. If your answer is YES, *I file a grievance, and sent it to the*
1. What steps did you take? *Counselor, she sent it back, I sent it in again to the institution review board, I never heard back from them.*
2. What was the result?
- D. If your answer is NO, explain why not.
- E. If there is no prisoner grievance procedure in the institution, did you complain to prison authorities? ☐ Yes ☐ No
- F. If your answer is YES,
1. What steps did you take?
2. What was the result?
- G. If your answer is NO, explain why not.
- H. Attach copies of your request for an administrative remedy and any response you received. If you cannot do so, explain why not:

V. REQUEST FOR RELIEF

State exactly what you want this court to do for you. If you are a state or federal prisoner and seek relief which affects the fact or duration of your imprisonment (for example: illegal detention, restoration of good time, expungement of records, or parole), you must file your claim on a habeas corpus form, pursuant to 28 U.S.C. §§ 2241, 2254, or 2255. Copies of these forms are available from the clerk's office.

Compensatory Damages paid in the amount of \$150,000 per Defendant and Punitive damages in the amount of \$250,000 per Defendant. All Judgment upon Defendants shall be recorded and entered ~~se~~ separately, IN addition, statutory interest at the rate of 9% annum pursuant to 810 ILCS 5/3-800 plus, all costs expenses and reasonable. Attorney fees pursuant to 810 ILCS 5/3-800 and for such other and further relief as this court deem just and reasonable.

VI. JURY DEMAND (check one box below)

The plaintiff ☒ does ☐ does not request a trial by jury.

DECLARATION UNDER FEDERAL RULE OF CIVIL PROCEDURE 11

I certify to the best of my knowledge, information, and belief, that this complaint is in full compliance with Rule 11(a) and 11(b) of the Federal Rules of Civil Procedure. The undersigned also recognizes that failure to comply with Rule 11 may result in sanctions.

Signed on: 11-14-12
(date)

Nathaniel Harper
Signature of Plaintiff

Pc Box 7711 Centralia C.C.
Street Address

Nathaniel Harper
Printed Name

Centralia IL 62801
City, State, Zip

A86099
Prisoner Register Number

Signature of Attorney (if any)

This Complaint is brought Forth by a Convicted prisoner in the state of Illinois at Centralia Correctional Center at all time mentioned in this Complaint, Plaintiff is in the custody of the Illinois Department of Corrections. Plaintiff allege Conditions past and present that are not only dangerous to my health and well being. But violations as proscribed by the eighth and fourteenth amendment of the U.S Constitution. Plaintiff contends that the Conditions and inadequate medical treatment that I was subjected to under "the care and supervision of said Defendants" site medical Director, Dr. Venerio Santos Site Health care unit Administrator, Lisa Krebs, Registered Nurse, Terri Dean, Constitutes Cruel and unusual punishment and violates my rights to due process and equal protection of the law.

FACTS Common to ALL Counts

1. ON 12-3-2010 about 6:30 AM, I was brought to my knees in tears by a sharp piercing pain in my abdominal area. Once the officer on duty C/O Micheal Mains had confirmed that I could walk, he let me go to the health care unit. When I got there I was asked by Nurse Terri Dean, what my problem was? I explained to her that I had severe pain in my abdominal area, ~~with~~ With out being --- examined I was laughed at and told that it just Constipation and sent back to my housing unit. I could not sleep, the pain would not go away

ON 12-4-2010 I was sent back to the health care unit again holding my stomach, I could hardly walk, the pain was intense, I spoke with Nurse Dean alone with nurse Deb Maloy both on the 7-3 shift. I explained again the severe pain in my abdominal area and again I was sent back to my housing unit. Nurse Terri Dean told me that there was nothing that they could do, it had to work it self out. By the time that I walked back to the unit, the pain was unbearable. Officer Micheal Mains, the same officer who sent me to the health care unit the day before, Him seeing that I was still in

pain called back to health care unit and spoke with some one I don't know who, and that person told officer Mains that they didn't want to see me, But then called 15 minutes later and told the officer to send me back over, Where I was sent to St Mary's Hospital on 2-5-2010 and the attending physician Dr. George after conducting x-rays discovered not one but two hernias and had me prepared for surgery (EXhibit ^{"A"} one through 18 shows my diagnosis and surgical procedure performed at St Mary's Hospital. Nurse Terri Dean showed deliberate indifference toward my urgent medical ailment both times that I was sent to the health care unit, by on the first visit laughing it off as constipation and the second time by telling me there's nothing that can be done, Sending me back to my housing unit without any treatment or examination whatsoever.

2. After surgery while Dr. George was sewing me up my intestines was punctured and I had to be returned back to surgery, upon information and belief 7 to 8 days. EXhibits A.1, and 2 I stayed at St Mary's Hospital for about a month and a half and then was sent back to Centralia Center Health Care unit and placed under the care of the named Defendants.

3. While at Centralia health care unit recovering from two surgeries, I complained to Dr. Santos about not being able to eat solid food, the nurses as well. EXhibit C.19-27 This went on for about 3 months, I lost a lot of weight as a result of being malnourished. A couple of the nurses well meaning as they were would find peanut butter, Crackers, ice cream, Apples any thing they could find to keep me going. But it was not enough for a 52 year old man who just had two surgeries trying to recover. My body started to shut down from starvation and dehydration, I had lost so much weight that I thought I was going to die. I was scared, depressed and upset. Being in s

Much pain, I could not get out of bed nor turn over by my self, that was how bad I had deteriorated at Centralia C.C. health care unit. (Exhibit, D. 38, D39, 54, two • I was in a better stable condition when I left St Mary Hospital.

4. Also while in Centralia health care unit, I had an IV. in my arm, I explain to nurse Terri Dean that I felt pain there and it was bleeding. I ask her to look at it and if it needed changing, and she responded that all it needed was to be taped, and she retaped it. My arm became swollen, I showed nurse Christine Kracht and was told that it happen sometime and the swelling will go down, But the swelling got worst and the pain intensified. I talked with nurse Lisa Cain and she told me she would speak with Dr Santos. I would see Dr. Santos once a week, most of the time, and I attempted to tell him about my arm, the pain that was all through my body and what I thought was causing it, but Dr Santos would get annoyed and indifferent and he would walk out. He have said on a couple of occasions to me, What do you expect, you lucky to be alive. UPON INFORMATION and belief, I believe that because I file a grievance against Dr Santos and had my family members call the institution to inquire about the medical treatment that I was getting. Dr Santos went further to be indifferent and inadequate to my medical needs, this went on for close to three months, and then Dr. Santos finally prescribed me a better diet, Energy drinks and double portion of food. UPON information and belief as a result of the inattention and neglect of nurse Terri Dean and Dr. Santos my arm swelled up to the point the IV. could not be change because it was too hard to find a vein which led to me contracting a blood clot and Cellulitis where I had to undergo severe blood transfusions again causing me to lose more weight (Exhibit D 38 to 46.) Also while in Centralia health care unit, I developed

Gout," I complained to Dr. Santos about the pain coming from my thorax to my pelvis, but Dr. Santos continued to brush me off with wanton disregard. It felt as if this doctor was letting me die. Exhibit D, 29 through 31

5. During the time that I was in Centralia health care unit Nurse Terri Dean and I were constantly at odds because she refused to empty my urine container and my colostomy bag causing me great discomfort when I had to urinate and my container was full as well as my colostomy bag being filled up also nurse Dean told me in a very unprofessional manner that "that not her job" AND that I should just get up and go to the bathroom. I was not able to move because of the pain and of the surgery. And at the time I had gout in my feet, I couldn't walk on them. That why I was giving an urine container to begin with. ^{Exhibit E}

6. Lisa Krebs (site health care unit administrator) is a -- necessary party to this complaint, she along with Dr. Santos are responsible for information they obtain from examination of an inmate, information they get from review of the inmates medical records, incident reports, other doctors, family members or court records, etc. AND despite a face to face interview and numerous requests to Lisa Krebs concerning copies of my medical records. It took her a year to respond to my request. Exhibit I

7. I was discharged from St Mary's Hospital for the last time on 4-22-2011 after having my colostomy bag removed. I was scheduled to return in one to two weeks but the visit was terminated upon information and belief by Dr. Santos. Also while at St Mary's a treating physician Dr. Joel Barrientos discovered a tumor arising from the superior pole of the left kidney. It was recommended to Dr. Santos the following:

A. to follow the lesion to see if it is increasing in size.

B. Do a sonogram of my kidney every three months or possibly every six months to see if there is any significant change.

Dr Santos has not adhered to any of the recommendations, done no follow up whatsoever. This mass that was found on my left kidney is suspected to be cancerous, but this doctor refused to let me go back to St Mary Hospital for follow up treatment. Dr Santos has refused to discuss my renal tumor issue, my bradycardia problem, or the reason for me being anemic. AND there is no indication in any of the medical records that I had to pay Centralia Health Care unit for, that any consideration has been given to me concerning these conditions. Even to this day when I request to have my follow up care, I am told by the health care unit to put a request in for sick call where I will have to pay a five dollar co-pay. For what should have previously and still should be done for no charge. P.A. 97-562. SCF "Corrections Code of Corrections Indigent definition CHB 19297" "A committed person who has a chronic illness as defined by Department rules and regulation shall be exempt from the 5 dollar ~~co-payment~~ co payment for treatment of the chronic illness. A committed person shall not be subjected to a five dollar co-payment for follow up visits ordered by a physician who is employed by or contracts with the Department. ON information and belief, "A medical condition is chronic, if it affects a person's health for a long period of time, six months or longer, and requires ongoing medical attention.

8. Inadequate responses to chronic medical needs appears to be a practice here at Centralia Health Care unit. Listed below are inmates who have had their ailments brushed off by Dr Santos and Lisa Krebs.

Jerome Sims - R-63785, Broken leg and smashes Ankle, as a result of being ran over by a police car. He have pins in his ankle, One pin is broken. Dr Santos denies his request for a walking Cane, That was ~~previ~~ previously prescribed by Doctors at Stateville C. Center and the use of a brace prescribed by an outside Doctor. Inmate Sims also suffers nerve damage and medication is being refused to relieve the pain.

Isabel Cazares - R-625365, Has back Complications and wrist Complication, Nerve Damage, From a car wreck and being thrown off a horse. He is being denied a back brace and wrist wraps alone with medication to relieve the pain.

These violations are deliberate and intentional, Committed with malice toward Plaintiff Nathaniel Harper, This reckless Conduct Created an environment in Centralia Health care unit that used the restrictive means of withholding basic medical treatment to punish inmate Nathaniel Harper. None of these violations can be related to a non punitive institutional goal. Centralia Health care unit patient rights states:

1. you have a right to be fully informed regarding access to all medical services available to you.
2. You have the right to expect the Illinois Department of Corrections will be sensitive to your need and respond in a reasonable time and manner to any complain you may have.
3. You have the right to be treated with Consideration and dignity

The named defendants have not abided by these patients right, despite upon information and belief the numerous complaints and grievances that have been filed against them.

Plaintiff has been incarcerated for close to 18 years and have never had the need or desire to file a civil complain until now, with the hope that said defendants will be held accountable for the violation of plaintiff's eighth and Fourteenth Constitutional rights.

I.D.O.C. Exhaustion of Remedies And Summary

IN Keeping with (P.L.R.A.) Guidelines I have attempted to exhaust the Administrative remedies here at Centralia through the Inmate Grievance procedure, Two of which were exhausted on the institution level and now being appealed at the Illinois Department of Corrections headquarters Administrative review board. I have inquired about receiving a response Exhibit 1, through 9. Shows the dates that they were received by the board and the response that I was given to, "Be patient" or I should get the results soon. My statute of limitation runs out 12-5-2012, So I was hard pressed to file my Complaint in lieu of waiting on the final response from the Grievances. Also in exhausting remedies I filed a Complaint with the Illinois Department of Financial and Professional Regulation, Exhibit 6, through 9. A medical malpractice Complaint against Dr Venerio M, Santos whose finding's were that no violation of the Illinois medical Practice act of 1987 has occurred." That determination Coupled with the Institution of Centralia denying my grievances, gives me no faith in the Competence of I.D.O.C, Centralia C. Center or the Illinois Department of Financial and professional Regulation. AND upon information and belief the Administrative review board in keeping with tradition will uphold the rulings from Centralia. IF necessary I would request that the court allow me to amend my Complaint if and when this other information becomes available.

I also have file a grievance on Centralia C. Center librarian ms Wallace, While my legal papers was in her possession they come up missing along with the copys that I had in my legal box which was kept in the library. I file this on the 8-17-2012, I havent heard any thing on it and today is 10-23-2012. Exhibit 2

AFFIDAVIT

I, Nathaniel Harper, being duly sworn do repose and state that the attached 1983 Complaint is true and correct in substance and fact to the best of my knowledge.

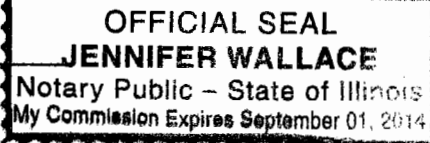
Subscribed and sworn to before me this
15 day of November, 2012

Notary Public

Expiration of Commission

/s/ Nathaniel Harper
Petitioner
A86099
Centralia Correctional Center
P.O. Box 7711

Centralia, Illinois 62801



NOTICE OF FILING

Clerk of the U.S. District Court Southern District
TO: District Court Southern District TO: _____

750 Missouri Ave

P.O. Box 249

East St Louis, IL 62202

Please take notice on 02202, 2012, I filed with Clerk United States District Court of Southern District Court the attached 1983 Complaint copy(ies) of which are served on you.

/s/ Nathaniel Harper

AFFIDAVIT OF SERVICE

STATE OF ILLINOIS)

COUNTY OF CLINTON)

I, Nathaniel Harper, being sworn state that I served the attached notice on the above named person(s) by placing a true and correct copy in an envelope(s), addressed as shown above, with the proper U.S. postage on each and deposited the envelope(s) in the U.S. Mail at Centralia, Illinois, 62801, on or about the hour of November on 15, 2012.

/s/ Nathaniel Harper

For the Southern District of Illinois

Dr Louis Shicker, Medical Director
Chief of Health Services, Health Pro
essionals Ltd. 9000 N Lindbergh
Dr Peoria ILL 61615

Janet Robert RN. Director of
Nursing 27 years clinical experience.
Centralia Correctional Facility
9330 Shattuc Road Centralia ILL, 62801.